

20-06

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 60B, PROPERTY MAINTENANCE,
IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 60B, Property Maintenance, in the Code of the Borough of Merchantville, is amended as follows: §

60B-1

PROPERTY MAINTENANCE

§ 60B-4

ARTICLE I

Property Maintenance

**§ 60B-1. Adoption of standards by reference. [Amended 9-24-2007
by Ord. 07-16; 6-8-2009 by Ord. No. 09-13]**

The International Property Maintenance Code (IPMC), 2018 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Merchantville, in the State of New Jersey, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said IPMC are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 60B-4 of this chapter, three (3) copies of which are on file in the Office of the Borough Clerk of the Borough of Merchantville.

§ 60B-2. Administration.

The Code Enforcement Officer of the Borough of Merchantville shall be charged with the responsibility to administer the Property Maintenance Code of the Borough of Merchantville and accomplish all activities necessary to enforce this chapter.

§ 60B-3. Repealer.

Chapter 15 of the Borough Code of the Borough of Merchantville entitled "Building Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed solely as to the section or sections that conflict or are inconsistent with this chapter.

§ 60B-4. Amendments to standards. [Amended 6-8-2009 by Ord. No. 09-13]

The International Property Maintenance Code, 2018 Edition, is hereby amended and revised in the following respects:

A. Section PM-101.1, Title, shall now read as follows:

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the Borough of Merchantville, hereinafter referred to as "this code."

ARTICLE I. ARTICLE II. SECTION 60B-13

Trash dumpsters and roll-off containers.

A. Public Property.

1. No trash dumpster, roll-off container, or similar container for trash and/or debris of any type may be placed or maintained by any private party in or on any Borough property, street, or right of way except in compliance with the provisions of this Article.

2. Any container to be placed on a street or right of way shall be placed on the street and in a legal parking space as approved or designated by the Borough with an approved material under the container to prevent sinking or damaging the street surface and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The specific number, location, and nature of the markings shall be determined by the Borough Police in the exercise of their discretion and shall be noted on the permit as a condition of its issuance.

3. Any permit issued for placement of a container on a street, right of way or other public property shall be valid for a period of ten (10) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.

B. Private Property

1. No trash dumpster, roll-off container, or similar container for trash and/or debris of any type may be placed or maintained on any private property within the Borough except in compliance with the provisions of this Article in a manner and location as set forth on a duly approved siteplan.

2. Any container placed on private property shall be placed on a driveway or other suitable base to assure stability and to prevent leakage into the soil. If in the opinion of the Borough Police, the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in subsection A, above.

3. Any permit issued for placement of a container on private property shall be valid for a period of ten (10) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.

ARTICLE II. ARTICLE II. SECTION 60B-14 Permits required.

A. Prior to the placement of any bulk storage container, dumpster, roll-off container, or similar container in or on any Borough property, street, or right of way, or on any private property (not covered by a duly approved site plan) the owner or user of such container shall apply for and receive a permit from the Borough pursuant to the provisions and standards set forth in this Article.

B. Application for the permit shall be made to the office of the Borough Clerk or such other office as the Borough Council may from time to time designate on a form provided by the Borough. The application shall require, among other things, the full name, address, and other contact information for both the owner of the container and the owner of the property with which the use of the container is associated. The application shall require a permit fee set forth in Chapter 25, Fees, in the Borough Code.

C. Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed three periods of ten (10) days, for a maximum period of forty (40) days upon application for renewal and payment of an additional fee as set forth in Chapter 25, Fees in the Borough Code.

ARTICLE III. ARTICLE II. SECTION 60B-15 Responsibility.

The owner of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this Article and shall be responsible for repairing any damage to public property resulting therefrom. Copies of the penalty provisions of this Article shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the container, the property owner, and any other interested party.

ARTICLE IV. ARTICLE III. SECTION 60B-17

Definitions.

As used in this Article, the following terms shall have the meanings indicated:

BOROUGH – the Borough of Merchantville.

EVIDENCE OF VACANCY - Any condition that on its own, or combined with other conditions present, presents the indicia that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers, mail and/or mail being returned, or statement by neighbors, passersby, delivery agents or government agents; or the presence of boards over doors, windows or other openings in violation of applicable codes.

MORTGAGEE - The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

OPERATOR - Any person, persons or entity who is not the owner, who has charge, care and control of a premises or part thereof, with or without the knowledge, consent or authority of the owner. Operator shall also include a creditor, as defined in P.L. 2014, c. 5, that has served a notice of intention to foreclose on a mortgage on a residential or commercial property pursuant to P.L. 1960B, c. 244, and that property has become vacant after the filing of this intention to foreclose.

OWNER - Shall include the title holder, any agent of the title holder having authority to act with

respect to a vacant property, any foreclosing entity subject to the provisions of C. 46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Merchantville to have authority to act with respect to the property.

REAL PROPERTY - Any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits.

SEMI-ANNUAL REGISTRATION - Six months from the date of the first action that requires registration, as determined by the Borough, or its designee, and every subsequent six months. The date of the initial registration may be different than the date of the first action that required registration.

UTILITIES – Any utility that is essential for a building to be habitable. This includes, but is not limited to electric, gas, water, and/or sewer.

VACANT PROPERTY - Any building intended for occupancy used or to be used as a residence which that is not legally occupied, which may be evidenced by the conditions set forth in the definition of “Evidence of Vacancy,” and/or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this Article.

VACANT - Any parcel of land in the Borough that contains any building or structure that is not lawfully occupied, or inhabited by human beings which may be as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" above, which is without lawful tenant, or lawful occupant or without a certificate of occupancy.

ARTICLE V. ARTICLE III. SECTION 60B-18 Registration requirements.

The owner and/or operator of any vacant property, as defined herein, shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the Borough, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough for such purposes. Failure to receive notice by the Borough shall not constitute grounds for failure to register the property.

A. Each property having a separate block and lot number as designated in official records of the Borough shall be registered separately. The registration statement shall include the name, street address, telephone number and e-mail address (if applicable) of a person twenty-one (21) years or older, designated by the owner and/or operator or owner and/ or operators as the authorized agent for receiving notices of Property Maintenance Code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owners and/or operators in connection with the enforcement of any applicable code, and the name, street address, telephone number and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty- four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

B. The semi-annual registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration every six months as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed for each property.

C. The registration shall remain valid for one year from the date of registration. The owner and/or operator shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or semiannual renewal fee in the amount prescribed in Section 60B-21 of this Article, for each vacant property registered.

D. The owner and/or operator shall notify the Borough Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.

- 1 The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owners and/or operators of the building.

ARTICLE VI. ARTICLE III. SECTION 60B-21 Fee schedule.

A. A nonrefundable semiannual registration fee that has been established in Chapter 25 of the Borough Code shall accompany each registration pursuant to this Article.

B. All registration fees must be paid directly from the mortgagee, trustee, servicer or owner to the Borough or its designated vendor, at the discretion of the Borough. Third-party registration fees are not allowed without the consent of the Borough and/or its authorized designee.

C. Properties subject to this Article shall remain under the semiannual registration requirement, and the inspection, security and maintenance standards of this Article as long as they are registrable.

D. Said fees collected shall be used to offset the costs of: (1) registration and registration enforcement; (2) code enforcement and mitigation related to vacant properties; and (3) for any related purposes permitted by law.

ARTICLE VII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VIII.

This Ordinance shall take effect on July 1, 2020, upon its passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at a meeting held on May 11, 2020. This Ordinance will be considered for adoption on final reading and public hearing to be held on June 8, 2020 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to make certain amendments to the Property Maintenance Code of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), and between the hours of 8:30 AM to 12:00 PM on Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.